

FILED

NOV 21 2024

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIAIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
Vadosta DIVISIONQUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983

Mark Purcell Feller, #701458
Pro Se, Plaintiff

Americans With Disabilities Act (ADA) Complaint:
42 U.S.C. Section 12101 et seq.
"Supplemental Complaint":

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

CIVIL ACTION NO:

VS.

Charlie Marcus; Warden; Tracie Morrison,
Henry Springer; John Doe, Maintenance Em-
ployee; Dana Simpson, Physician Assistant;
under the color of State law, used in their individual
and their official capacities - Defendants.

Plaintiff Demand Jury Trial

(NAME OF EACH DEFENDANT)

Defendant(s)

I. GENERAL INFORMATION

1. Your full name and prison number Mark Purcell Feller - #701458
2. Name and location of prison where you are now confined Vadosta State Prison - E176
3. Sentence you are now serving (how long?) 20 month Sentence (Probation Given for Sentence)
 - (a) What were you convicted of? Possession Of A Firearm By A Convicted Felon
 - (b) Name and location of court which imposed sentence Crisp County Superior Court - State of Georgia - 510 N. 4th Street, Cordele, Georgia 31015
 - (c) When was sentence imposed? July 30, 2020
 - (d) Did you appeal your sentence and/or conviction? Yes No
 - (e) What was the result of your appeal?

(f) Approximate date your sentence will be completed February 22, 2025**II. PREVIOUS LAWSUITS**

NOTE: FAILURE TO DISCLOSE **ALL** PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes No

5. If your answer to question 4 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): Mark Purcell Feller - Pro Se.Defendant(s): Commissioner, Georgia Department of Corrections, et al.(b) Name of Court: United States District Court - Valdosta Division(c) Docket Number: Pending When did you file this lawsuit? August 12, 2024(d) Name of judge assigned to case: N/A(e) Is this case still pending? Yes No

(f) If your answer to (e) is "No", when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes No

7. If your answer to question 6 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): Mark Purcell Feller - Pro Se.Defendant(s): Sheriff Billy Hancock et al.(b) Name of Court: United States District Court - Albany Division(c) Docket Number: 1:20-cv-00134 When did you file this lawsuit? January of 2020(d) Name of judge assigned to case: N/A(e) Is this case still pending? Yes No

Continuation of Paragraph - 1 (Additional Answer(s))

(a) Parties to previous lawsuit: 42 U.S.C. Section 1983

Plaintiff(s): Mark Purcell Felder - pro se

Defendant(s): Sheriff H.W. Hancock, et al

(b) Name of Court: United States District Court - Albany Division

(c) Docket Number: N/A When did you file this lawsuit? October 7, 2024.

(d) Name of Judge Assigned to case: N/A

(e) Is this case still pending? Yes No

(f) N/A

Respectfully Submitted this 23rd day of October, 2024

Mark Purcell Felder

Mark Purcell Felder, # 461458

Valdosta State Prison

Special Management Unit (SMU) - E1176

(f) If your answer to (e) is "No", when was it disposed of and what were the results?
 (DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?) *Agreement reached between Plaintiff and Sheriff
 to be released with Active Warrant from custody if plaintiff dropped the lawsuit and not pro-
 secute it. And leave the State of Georgia. Plaintiff complied.*

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes No

If your answer is Yes, state the name of the court and docket number as to each case:

III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? *Valdosta State Prison -*

Special Management Unit (SMU) E176

(a) Does this institution have a grievance procedure? Yes No

(b) If your answer to question 9(a) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes No

(2) If Yes, what was the result? *7/29/24 filed grievance (Emergency) pursuant to Americans
 with Disabilities Act of 1990 (GR. # 1220-104) that was denied; Again on 9/19/24 filed another
 Americans with Disabilities Act of 1990 (GR. # 372900) response rejected by prison officials to concern
 incidents. On both grievances the official grievance Appeals was denied by prison officials.*

(3) If No, explain why not: _____

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? Yes No

(1) If Yes, to whom did you appeal and what was the result? _____

(2) If No, explain why you did not appeal: *Prison Officials refuse to issue plaintiff the Official grievance appeal form to Appeal Warden's responses while he's assigned to the Special Management Unit (E-116) Administrative Segregation Lockdown unit.*

10. In what other institutions have been confined? Give dates of entry and exit.

Entered Toccoa State Prison 4/10/03 - Exited on 5/30/23 And transferred to Valdosta State Prison; After Arriving At Valdosta State Prison on 5/30/23, After having 8 mental breakdowns, on 9/14/23 Plaintiff was transferred inhouse to the Special Management Unit (E-116) E-building until present date, And ongoing without Administrative Segregation Hearing, And without being reclassified And taken out of Closed Security when Aggravated Assault charge expired on 2/13/24.

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/mailing address.

Marty Duncell Yelder, #70458

Valdosta State Prison

P.O. Box # 5368 - E116

Valdosta, Georgia 31603

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

Charlie Marcus, Warden, employed by Georgia Department of Corrections

Tangle Morrison, Shift Manager, employed by Georgia Department of Corrections

John Doe, Maintenance Employee, employed by Georgia Department of Corrections.

Dana Simpson, Physician Assistant, employed by Georgia Department of Corrections (Contracted Employment) Valdosta State Prison's Medical Department.

V. STATEMENT OF CLAIM

13. In the space hereafter provided, and on separate sheets of paper if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

DO NOT GIVE ANY LEGAL ARGUMENT OR CIT ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. **KEEP IN MIND THAT RULES 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, and DIRECT!** If the court needs additional information from you, you will be notified.

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? Valdosta State Prison's Special Management Unit (SMU) - E176

WHEN do you allege this incident took place? Since April 26, 2024, present date, And ongoing.

WHAT happened? #1 Outside Recreation - Plaintiff A qualified Offender under the Americans With Disabilities Act (ADA) has never been Allowed outside recreation since being assigned to the Special Management Unit on 4/14/2023, All attempts denied by prison officials

#2 Since June of 2024 plaintiff's was assigned to E176, A cell unit without drinking water (due to defective plumbing). Plaintiff, An elder, infirm offender under Chronic Care treatment for Hypertension, And A mental health offender under psychotropic medication treatment had to dry take his medications due to defective plumbing (Bath). Prison Officials / Prison staff, After being informed on numerous occasions About the (Non) Access to drinking water fail to have the plumbing repaired. Plaintiff verbally informed Charlie Marcus; Tongie Morrison; Dana Simpson; And John Doe while making their rounds in Unit - E1, All Attempts went unanswered to have repairs made.

August 26, 2024 plaintiff painted in cell (E176) Medical denied by Bettors - Co-I , plaintiff then After Being Given Several medical requests, submitted an Emergency Pick call After going (3) to (6) days without access to drinking water and was seen on 9/1/24 by Dana Simpson, PA, in the E-building Medical Unit and it was determined that plaintiff was "Severely Dehydrated" And A IV was ordered immediately. Shortly thereafter, IV was Administered At the Medical Infirmary And Dana Simpson informed plaintiff that his cell would be fixed or plaintiff would be moved to another cell with working sink but After the IV, plaintiff was placed back in the same Cell/Officer that caused the Severe Dehydration in Unit E176. Plaintiff was forced to Wait in the toilet because prison staff refuse to give him a shower over A Month And A half. Plaintiff was Exposed to An Unreasonable Risk

V. STATEMENT OF CLAIM

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WHERE did the incident you are complaining about occur? That is, at what institution or institutions? Valdosta State Prison - Special Management Unit (SMU) - E116

WHEN do you allege this incident took place? Since April 26, 2024, present date, and ongoing.

WHAT happened? of serious harm And had to be treated in the infirmary for severe dehydration. Defendants had ample notice to make repairs, intentionally fail to do so. Since filing original Americans With Disabilities Act (ADA) complaint against several prison officials and prison staff at Valdosta State Prison on August 13, 2024, plaintiff has been subjected to retaliation while assigned to the Special Management Unit (E-1 Administrative Segregation) for operating in his protected conduct of file grievances and his lawsuit. Plaintiff is currently being denied access to legal library, indigent legal supplies, outside recreation, cell illumination (no power in cell), exposed to roaches and rat infestations, No showers, No cell cleanup with adequate chemical products, Exposed to extreme cold temperatures without adequate clothing and bedding, Inadequate food portions, Served cold - Used as punishment when denied. Guards and Wards would place locks on trays/tubs to prevent feeding, plaintiff had to bathe in toilet because of defective plumbing (which was finally partially repaired on 10/3/24 after plaintiff filed grievance # 393900 on 9/19/24

#3 On 9/7/24 Tangie Morrison, Unit manager was the week-end duty officer. She (Morrison) was signing logchart of E116 plaintiff informed her that him and his roommate (Anthony Lamar Brown - #1376023) been without access to drinking water for over two and a half months, And that plaintiff has informed her (Morrison) on several occasions of the defective plumbing

IN E1116, UNMORISON STATED: "IF YOU'RE TOLD WE DON'T WANT YOU TO FILE A GRIEVANCE AND AGAIN ABOUT THE WATER - TALK TO YOU! I PLAINLY TELLED YOU TO FILE A GRIEVANCE AND IT WAS REFUSED BY TRAVIE MORTISON, UNIT MANAGER, MORTISON WALKED OFF AND STATED: "F*** YOUR GRIEVANCE!" PLAINTIFF THEN WROTE INTERNAL AFFAIRS. HEATHER DAVIS, DEPUTY WARDEN OF CATI AND TREATMENT INFORMING THEM OF THE INCIDENT ON 9/17/24, PLAINTIFF ALSO SUBMITTED A REQUEST TO COUNSELOR COPELAND TO BE ISSUED TWO GRIEVANCES. AGAIN, GRIEVANCE WAS DENIED BECAUSE COUNSELOR COPELAND NEVER RESPONDED TO PLAINTIFF'S REQUEST FOR ISSUE OF GRIEVANCES.

#4 ON 9/11/24 JOHN DOE - MAINTENANCE EMPLOYEE WAS IN E-1 BUILDING FOR RANGE FIXING SHEARS. PLAINTIFF INFORMED THE MAINTENANCE EMPLOYEE OF THE DEFECTIVE PLUMBING AND THAT THEY'VE BEEN WITHOUT ACCESS FOR DRINKING WATER FOR OVER TWO MONTHS AND A HALF. JOHN DOE, MAINTENANCE EMPLOYEE ROLLED HIS EYES AND STATED "WE'LL GET TO YOU WHEN WE GET TO YOU." PLAINTIFF THEN STATED "WE HAVEN'T HAD POWER IN THIS CELL SINCE APRIL 26, 2024." DEFENDANT JOHN DOE WALKED OFF WITHOUT EVEN ATTEMPTING TO FIX THE WATER OR LIGHTING IN CELL (E116).

#5 ON 9/19/24 PLAINTIFF FILED AN AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE REGARDING CONDITIONS OF CONFINEMENT, CRUEL AND UNUSUAL PUNISHMENT, EXPOSURE TO DANGEROUS AND HUMILIATING CONDITIONS, DELIBERATE INDIFERENCE - EXPOSURE TO UNREASONABLE RISK OF SERIOUS HARM, DENIAL OF OUTSIDE RECREATION, BANISHMENT AND HYGIENE. ON 9/19/24 PLAINTIFF WAS ALSO, AFTER SEVERAL FAILED ATTEMPTS TO HAVE DEFECTIVE PLUMBING REPAIRED AND ACCESS TO DRINKING WATER, PLAINTIFF WAS SEEN BY DEFENDANT DAVE BIMSON, PT. IN THE E-BUILDING MEDICAL EXAMINING ROOM FOR AN EMERGENCY BIOCALL (PLAINTIFF HAD SUBMITTED THREE PRIOR BIOCALL REQUESTS ALL WHICH WERE DISMISSED UNTIL ~~DA~~ PLAINTIFF WAS DIAGNOSED AS BEING SEVERELY DEHYDRATED AND AN IMMEDIATE I.V. WAS ORDERED AND CARRIED OUT IN THE PRISON'S INFIRMARY. THEREAFTER DA BIMSON STATED "YOU'LL BE MOVED TO ANOTHER CELL IF YOUR CELL WATER CAN'T BE FIXED." AFTER RECEIVING THE I.V. PLAINTIFF WAS PLACED BACK IN THE SAME CELL UNDER THE SAME CONDITIONS THAT CAUSED HIS MEDICAL CONCERN. I.V. WAS GIVEN TO PLAINTIFF WHILE HE WAS LOCKED IN A CELL CAP. CHARLIE MARCUS CAME IN THE INFIRMARY AND STATED: "WHAT IS THIS?" (REFERRING TO PLAINTIFF RECEIVING I.V. IN THE CAP) SOMEONE IN MEDICAL STATED "FELDER". CHARLIE MARCUS THEN LOOKED AT ME IN THE CAP LAUGHED AND WALKED OFF. SIGNED THIS 23rd DAY OF OCTOBER, 2024.

Marty Purcell/Hecker

#781458

Special Management Unit (SMU)
E116

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

Anthony Lamar Brown - #1876023 (Witnessed/lived in Unit E116 under defective plumbing (sink) for over 3 months without access to drinking water; Showers - having to wash in the toilet, No outside recreation, Trash pickups, legal library Access or issuance of indigent legal Supplies, or Cell Illumination, Also witnessed plaintiff Paint in cell on August 26, 2024 and Medical Services denied.)

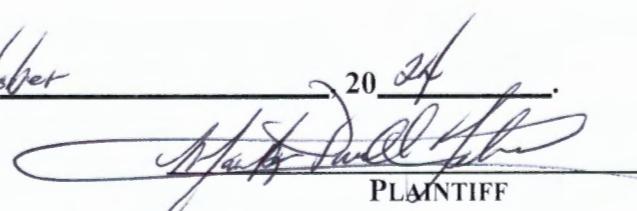
15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

Granting plaintiff A declaration that the acts And omissions described herein violate his rights under the Americans With Disabilities Act (ADA), the Constitution, And Laws of the United States, And A Preliminary And permanent injunction ordering defendants to cease their denial of outside recreation, Enrollment in GED program/Accommodations, Mental health programs, Services And Activities, Exposed to extreme cold temperatures, Denial of Sanitation And Hygiene (Cell Cleanout, Trash pickup, Chemical products, Haircuts And Shaves), Denial of grievances, Denial of legal library Access And the issuance of indigent legal Supplies upon request; Granting plaintiff Compensatory damages in the Amount of \$50,000 Against each defendant, jointly And severally; Plaintiff Beef Nominal damages And Punitive damages in the

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 23rd day of October 2024.


PLAINTIFF

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

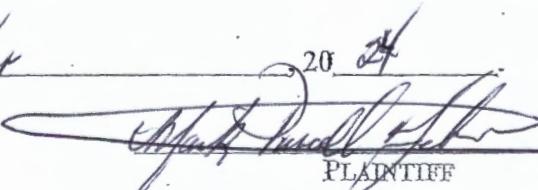
15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

*Continuation of Paragraph 15 - Amount of \$ 50,000, Plaintiff
Seek these damages against each defendant, jointly and severally. Plaintiff Also seeks A jury trial
on all issues triable by jury. Plaintiff Also seek A preliminary And permanent injunction
ordering defendants to cease in denying plaintiff cell illuminations. Plaintiff Also seek re-
covery of their costs in this suit, and Any additional relief this Court deems just,
proper, And equitable.*

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

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Signed this 20th day of October, 2024


PLAINTIFF

Brown Affidavit of Mark Durcell Felder, #761458
October 23, 2024, Valdosta State Prison - Special Management Unit

Now comes Mark Durcell Felder, #761458 and do hereby
under penalty of perjury that plaintiff has submitted many requests for
legal library access and the issuance of intelligent legal supplies
(writing paper, ink pen, carbon paper and envelopes) Plaintiff is
indigent and has to borrow supplies from other inmates when he can.
Plaintiff has to write on the back of paper that's already been
used to contact the court. Signed this 23rd day of October,
2024.

~~Mark Durcell Felder~~
Mark Durcell Felder
#761458
Special Management Unit (OMS)
E176